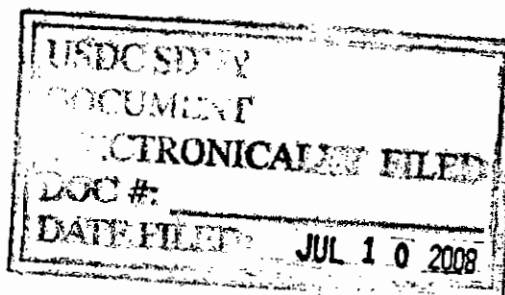


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July 8, 2008

BY FAX: 212-805-0426

**MEMO ENDORSED**

Honorable Judge Laura Taylor Swain  
U.S. District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 755  
New York, NY 10007

**Re: Michael G. Porto v. Stephen Adly Guirgis, et al.  
No 08-CV-01228 (LTS)(GWG)  
(Our Ref.: 3043/08)**

Dear Judge Swain:

On Friday June 27, 2008 Defendants filed a Motion to Dismiss/ Motion for Summary Judgment.

Due to the voluminous nature of the motion papers (more so because, at Defendants' counsel's request, we agreed to allow an increase in the page limits), I contacted Defendants' counsel seeking their consent to allow more time for us to adequately respond to the motion.

Defendants' counsel has consented and as such we have both agreed upon the following deadlines:

- Plaintiff is to have until **Monday, August 18, 2008** to respond to Defendant's Motion to Dismiss / Motion for Summary Judgment (we agree to provide a hard copy of the papers by that same date also);
- Defendants' reply will be due on **Monday, September 8, 2008**

We therefore respectfully request that the Court approve the above-referenced deadlines and if necessary, "so order" this request.

Honorable Laura Taylor Swain  
July 8, 2008  
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If there is anything else that your Honor requires of us in order to implement this requested schedule, please let me know and I will see to it promptly.

Respectfully submitted,

*Darren M. Geliebter*

Darren M. Geliebter

cc: Adam D. Siegartel, Esq., Proskauer Rose LLP (by fax and email)

*The requested schedule is approved.*

 7/10/08  
\_\_\_\_\_  
SO ORDERED